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NOV 12 2004

**FACSIMILE TRANSMISSIONS COVERSHEET**

DATE: Nov. 12, 2004

ATTENTION: Mail Stop RCE

COMPANY: PTO

FACSIMILE NO.: 703-872-9306

FROM: Brian S. Tomko

TELEPHONE NO.: (732) 524-1239

FACIMILE NO.: (732)-524-5575

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 12

COMMENTS: Re: 09/863,135  
Our Ref.: HRT0241

Contents: Resending this fax from yesterday since no PTO auto confirmation was received.

RCE Form - 1 page

Communication - 1 page

1<sup>st</sup> Supp. IDS/Form1449 submitted 8/18/04 - 8 pages**CONFIDENTIALITY NOTICE**

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JOHNSON

Fax:7325245575

Nov 11 2004 23:47

P.02

~~JOHNSON~~

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**\*\* Transmit Conf. Report \*\***

P.1

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**FACSIMILE TRANSMISSIONS COVERSHEET**

**DATE: Nov. 11, 2004**

**ATTENTION: Examiner C. Rodriguez, Art Unit 3763**

**COMPANY: PTO**

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## FACSIMILE TRANSMISSIONS COVERSHEET

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ATTENTION: Examiner C. Rodriguez, Art Unit 3763

COMPANY: PTO

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Docket No. HRT0241

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : St. Goar et al.

Serial No. : 09/863,135

Art Unit: 3763

Filed : May 22, 2001

Examiner: C. Rodriguez

For :

I hereby certify that this correspondence is being facsimile transmitted  
to the Patent and Trademark Office, Fax No. (703) 872-9306 on

November 11, 2001

(Date)

Brian S. Tomko

Name of applicant, assignee, or Registered Representative

  
(Signature)November 11, 2001

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


COMMUNICATION

Dear Sir:

Enclosed with this Request for Continued Examination is the  
1<sup>st</sup> Supplemental IDS/Form 1449 submitted on August 18, 2004.

Unders separate cover, a 2<sup>nd</sup> Supplemental IDS/Form 1449 and  
foreign references will be filed.

Respectfully submitted

  
Brian S. Tomko  
Reg. No. 41,349

Johnson & Johnson  
1 Johnson & Johnson Plaza  
New Brunswick, NJ 08933  
(732) 524-1239

PTO/SB/00 (05-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/863,135
Filing Date	5/22/01
First Named Inventor	Frederick G. St. Goar
Group Art Unit	3763
Examiner Name	C. Rodriguez
Attorney Docket Number	HRT0241

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. **Submission required under 37 C.F.R. § 1.114**

- a. ☒ Previously submitted
  - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on  
(any unentered amendment(s) referred to above will be entered).
  - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☒ Other IDS submitted on 8/18/04
- b. ☒ Enclosed
  - i. ☐ Amendment/Reply
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☒ Information Disclosure Statement (IDS) + foreign references
  - iv. ☒ Other Communication

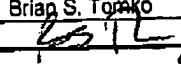
## 2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other

## 3. **Fees** - The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 10-0750.
  - i. ☒ RCE fee is required under 37 C.F.R. § 1.17(e)
  - ii. ☐ Extension of Time (37 C.F.R. §§ 1.136 and 1.17)
  - iii. ☐ Other
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (print/type)	Brian S. Tomko	Registration No.	41,349
Signature		Date	11/11/04
<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>			
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-9306 Mail Stop RCE: 11/11/04			
Name (print/type)	Brian S. Tomko	Date	11/11/04
Signature	